

Subject: Proposed Critical Habitat for Southern Resident Killer Whales
From: "Joan Crooks" <Joan@wecprotects.org>
Date: Mon, 14 Aug 2006 15:51:43 -0700
To: <orcahabitat.nwr@noaa.gov>

Please see the comment letter below. A hard copy has been sent via postal mail.

Joan Crooks
Executive Director
206-622-8103 ext. 202
joan@wecprotects.org
www.wecprotects.org



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August 14, 2006

Donna Darm  
Chief, Protected Resources Division  
1201 NE Lloyd Blvd., Suite 1100  
Portland, OR 97322-1274  
VIA email: orcahabitat.nwr@noaa.gov

**RE: Proposed Critical Habitat for Southern Resident Killer Whales**

Dear Ms. Darm,

Thank you for the opportunity to comment on the *Proposed Critical Habitat for Southern Resident Killer Whales* dated June 15, 2006 (Federal Register Vol. 71, No. 115, page 34571-34588). The Washington Environmental Council appreciates the efforts of NOAA Fisheries to develop this plan as well as the overall Recovery Plan.

The Washington Environmental Council is a statewide organization working to protect our state's land, air, water and wildlife for over 35 years. Recently, we have been engaged in the overall effort to restore Puget Sound including the Shared Salmon Strategy, the Puget Sound Salmon Recovery Council and the Governor's Puget Sound Partnership. We are hopeful that these and other efforts will contribute to improving Puget Sound as habitat for many species, including killer whales

The main threats to killer whales in Puget Sound are low prey (salmon) abundance, environmental contaminants, vessel effects and sound, and oil spills. A complete critical habitat area is needed to address all of these threats if we are to recover the southern residents to health.

WEC would like to express its concern over the following exclusions from the proposed Critical Habitat area:

1) **Nearshore waters shallower than 20 feet** – This delineation seems to be arbitrary. Most of Puget Sound's problems originate from pollution and habitat destruction on the shore. Many actions in which federal funding, permits, or projects are involved occur in the nearshore. Toxic contaminants, sediments, noise and fish do not stop at a line drawn in the water.

2) **Military Areas** – As proposed they are too large, and apply to all activities, not just the military. As an example, a huge exclusion between Whidbey Island and Port Townsend completely divides the orcas' habitat right at the entrance to the central Sound—eliminating safe passage for the whales. A better approach would be for NOAA to work with the military through specific agreements to ensure that they are able to do what they need to do for national security, without harm to the whales, and without wholesale exclusions that leave important habitat areas open to impacts of all kinds, not just the military.

3) **Noise levels** - An appropriate noise level should be included as “Essential Features” for orcas' critical habitat (the other essential features are: clean water, enough food, and safe passage). It is important for orcas that sound levels are below thresholds that inhibit communication and foraging activities or result in temporary or permanent hearing loss.

4) **Hood Canal** - The exclusion of the area south of the Hood Canal floating bridge seems unjustified. WEC members who live near Hood Canal, as well as researchers, have provided photographic and acoustic evidence that Southern Resident orcas have occupied Hood Canal on a regular basis for many years. The most recent sightings documented thus far are in the 1990s, which is very recent, especially in view of orca lifetimes. Given that orcas are long-lived animals, NOAA should use a window of at least 30 years to define “occupied at the time of listing.” As we recover the health of Hood Canal and restore its salmon populations through various state and federal efforts, the Canal will be an important area for the orcas' continued survival. It would be short-sighted to exclude this area from Critical Habitat, when it is important for them to make use of available prey species as they recover.

5) **Areas of the Pacific Coast** – The current proposal excludes 50 % of truly critical habitat that the K and L pods use during the winter --the outer coast of Washington, Oregon, and California as well as British Columbia. WEC supports extending the proposed designation to include waters beyond the mouth of the Strait of Juan de Fuca in order to encompass at least the Olympic Coast National Marine Sanctuary.

In summary, WEC appreciates the efforts of NOAA Fisheries to restore Washington's orca population. We urge you to adopt the changes that we have included in this letter. If you have any questions, please feel free to call me at 206-622-8103. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joan Crooks". The signature is fluid and cursive, with the first name "Joan" being more prominent than the last name "Crooks".

Joan Crooks  
Executive Director